REMARKS

The application includes claims 1-29 and 31. Claims 1 and 31 have been amended.

The amendments make clear that the combining step must be performed first. Agitation or mastication can occur during or after the permitting step (i.e., while the polymer or agent are forming a blend, the portion which forms a blend can be broken apart by agitation or mastication; or the agitation can be performed after the separation step after the blend is formed). With respect to the separation step, the supercritical fluid can be released after breaking apart the blend by agitation or mastication, or, alternatively, after the blend is formed, the blend can be agitated or masticated to make the free flowing powder.

As discussed at the interview, the permitting step makes a blend where the chemical agent is in crystalline form and is associated with the polymer. This crystalline form of the chemical agent can be broken apart to leave particles in the form of a free flowing powder where the particles include both chemical agent and polymer.

With particular reference to Tables 2 and 3 and the text on pages 13 and 14 of the patent application, it is shown that free flowing powders are created when the chemical agent associates with the polymer, but not when they do not associate. Thus, the invention is not merely grinding up two different constituents. The invention is a process by which a homogenous blend in the form of a free flowing powder with crystalline chemical agent associate with polymer is produced. This powder can then be used in molding and other operations to produce parts with an homogenous blend of the materials. Figure 1 of the application illustrates the process. In operation, the chemical agent becomes associated with the polymer by interaction of the functional groups on the two moieties in the presence of supercritical fluid and pressure. When in its crystalline form, the chemical agent with the associated polymer can be fractured by agitation or mastication. The result is a fine powder with bits of chemical agent associated with polymer.

The rejection of the claims under 35 U.S.C. 102(b) is simply wrong by the Examiner's own omission. The Examiner has admitted that not every element can be found in the prior art references. For example, in the sentence bridging pages 7 and 8 of the office action, the Examiner states Mandel may have applied a similar agitation device, and in the second to last sentence in paragraph 12 on page 8 of the office action, the Examiner states agitating or masticating may be routinely needed by each of Daly and Mandel. In short, neither Daly nor Mandel teach these steps.

The rejection under 35 U.S.C. 103 is also simply wrong since neither Daly nor Mandel show or suggest a process by which a free flowing powder comprised of particles including chemical agent in crystalline form where the chemical agent is associated with polymer is produced as is required in claim 1. Specifically, Mandel pertains to preparing coating materials, and as the Examiner has noted in the office action of August 4, 2006, Mandel at most shows working up the polymerization product and does not show formation of free flowing powder which includes the chemical agent associated with the polymer. Daly describes production of a powder coating, not a free flowing powder which includes a chemical agent in crystalline form associated with a polymer. At most, Mandel and Daly show examples of powder coatings generally, and do not show a free flowing powder where the particles include chemical agent in crystalline form associated with polymer. No crystallinity of a chemical agent is discussed in Mandel or Daly. Crystallinity is not a matter of "degree" as suggested by the Examiner. By having the blend have crystalline chemical agent associated with polymer, the blend is able to be broken up by agitation or mastication to form particles of crystalline chemical agent with polymer associated therewith (breaking the blend apart can occur very easily by fracturing the crystals). As per the Examiner's Interviews, these features have been further highlighted in the claims.

In short,

•Neither reference shows or suggests a chemical agent that assumes a crystalline form.

•Neither reference teaches creation of a free flowing powder which includes particles of crystalline chemical agent associated with polymer.

In view of this, none of the claims are anticipated or obvious over either Mandel or Daly.

The Examiner should also not overlook dependent claims (e.g., claim 5 requires two different chemical agents; claims 10 requires that the chemical agent be less than or equal to an amount needed to titrate the functional groups; claim 14 requires the steps be performed under conditions where a chemical reaction would not otherwise occur but for the presence of the supercritical fluid; claim 24 requires solubilizing the chemical agent in a solven). None of these features are suggested by the prior art of Mandel or Daly.

With respect to the objection to claim 11, the amendment highlights that the agitation or mastication can be performed during the permitting step or after release of supercritical fluid. With regard the rejection of claim 1 under 35 U.S.C. 112, second paragraph, claim 1 has been amended to recite a sequence where the combining step is performed first; however, the order of the releasing step can vary as discussed in detail above.

In view of the above, it is respectfully requested that the application be reconsidered, that claims 1-29 and 31 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,

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